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Attorneys for Defendant

KPSS, INC. GROUP LONG TERM DISABILITY PLAN; KPSS, INC. GROUP LIFE  
INSURANCE PLAN

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JOHN BRINCKA,

Plaintiff,

v.

KPSS, INC. GROUP LONG TERM  
DISABILITY PLAN; KPSS, INC. GROUP  
LIFE INSURANCE PLAN; KPSS, INC.,

Defendant,

Case No.: 3:10-cv-03433-JL

**STIPULATION TO EXTEND TIME TO  
ANSWER OR OTHERWISE RESPOND  
TO COMPLAINT; ~~PROPOSED~~ ORDER  
THEREON**

Honorable James Larson

Action Filed: August 5, 2010

**IT IS HEREBY STIPULATED**, pursuant to Local Rule 6-2, by and between plaintiff John Brincka ("Plaintiff") and KPSS, Inc. Group Long Term Disability Plan and KPSS, Inc. Group Life Insurance Plan (referred to hereinafter as "the Plans"), through their respective attorneys of record, as follows:

1. The Plans were served with the Summons and Complaint on or about August 17, 2010, and their response to the Complaint currently is due on or before September 21, 2010;

2. Plaintiff agrees that the Plans may have an extension of time, to and including October 16, 2010, to answer, move to dismiss, or otherwise plead in response to the Complaint; and

3. This extension of time to respond to the Complaint does not exceed thirty (30) days, and no previous stipulation to extend the time to answer or otherwise respond to the Complaint has been filed on behalf of these defendants.

Date: September 27, 2010

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP

By: /s/ Laura Fannon

ADRIENNE C. PUBLICOVER  
LAURA E. FANNON  
Attorneys for Real Party In Interest  
KPSS, INC. GROUP LONG TERM DISABILITY  
PLAN; KPSS, INC. GROUP LIFE INSURANCE  
PLAN

Date: September 27, 2010

THE ERISA LAW GROUP

By: /s/ Thornton Davidson

THORNTON DAVIDSON  
Attorney for Plaintiff  
JOHN BRINCKA

ORDER

**PURSUANT TO STIPULATION IT IS SO ORDERED.**

Date: September 28, 2010

By: \_\_\_\_\_

  
HONORABLE JAMES LARSON  
UNITED STATES MAGISTRATE JUDGE

1 **PROOF OF SERVICE**

2 I am a citizen of the United States. I am over the age of eighteen years and am not a party  
3 to the within cause. I am employed in the City and County of San Francisco, California and my  
4 business address is 525 Market Street, 17<sup>th</sup> Floor, San Francisco, California 94105. On this date  
5 I served the following document(s).

6 **STIPULATION TO EXTEND TIME TO ANSWER OR OTHERWISE**  
7 **RESPOND TO COMPLAINT; [PROPOSED] ORDER THEREON**

8 on the parties identified below, through their attorneys of record, by placing true copies thereof  
9 in sealed envelopes addressed as shown below by the following means of service:

10 ☐: **By United States Mail.** I placed the envelope(s) for collection and mailing, following  
11 our ordinary business practices. I am readily familiar with this business's practice for  
12 collecting and processing correspondence for mailing. On the same day that  
13 correspondence is placed for collection and mailing, it is deposited in the ordinary  
14 course of business with the United States Postal Service, in a sealed envelope with  
15 postage fully prepaid.

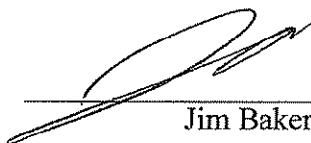
16 ☒: **By Electronic Service.** I caused the documents to be sent to the persons at the listed  
17 below via ECF.

18 Todd Andrew Roberts  
19 [troberts@ropers.com](mailto:troberts@ropers.com)  
20 Stacy Monahan Tucker  
21 [stucker@rmkb.com](mailto:stucker@rmkb.com)  
22 Ropers Majeski Kohn & Bentley  
23 1001 Marshall Street, Ste. 300  
24 Redwood City, CA 94603-2052  
25 (650) 364-8200  
26 Fax: (650) 780-1701  
27 Attorneys for Defendant KPSS

**Thornton Davidson**  
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2055 San Joaquin Street  
Fresno, CA 96721  
559-256-9800  
Fax: 559-256-9799  
Email: [Thornton@ERISALg.com](mailto:Thornton@ERISALg.com)  
Attorney for Plaintiff

28 I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct to the best of my knowledge.

EXECUTED September 27, 2010 at San Francisco, California.

25   
26 \_\_\_\_\_  
27 Jim Baker